IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3435 OF 2004

Anna @ Anil Machhindra
Shinde & Others .. Applicants.
Vs.
State of Maharashtra .. Respondent.

Mr.Manoj J.Bhatt for the applicants.
Mr.R.Y.Mirza APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 2ND SEPTEMBER, 2004

P.C.:

. Heard Mr.Bhatt, learned counsel for the applicants and Mr.Mirza, learned A.P.P. for the respondent.

2. The applicants have approached this court for being released on bail in C.R.No.I-326/2003 registered at Mira Road police station under sections 307, 395, 353, 332 and 427 of Indian Penal Code.

3. The occurrence in the instant case took place on 25.12.2003 in which applicant no.1 was arrested on the spot. When he was arrested the stolen articles such as gold ornaments, cash,

camera etc. and chopper were recovered from him. Keeping that in view I am not inclined to enlarge him on bail.

4. In so far as applicant no.2 is concerned, he was identified in the test identification parade. Moreover, his finger prints matched with the finger prints found on the spot of the incident. Applicant No.2 is having adverse antecedents at his credit. Considering that his application is also rejected.

5. In so far as applicant nos.3 and 4 are concerned, Mr.Bhatt, learned counsel for the applicants, prayed for bail on parity with the applicants, who came to be enlarged on bail by the order dated 20.4.2004 in Criminal Application No.2096 of 2004. Mr.Bhatt further submitted that there is absolutely no difference between the role attributed to the applicant and the role allegedly played by the applicants in C.R.No.2096 of 2004. Mr.Mirza, learned A.P.P. did not controvert the statement of learned counsel for the applicants in so far as applicant nos.3 and 4 are concerned. I perused the order dated 20.4.2004 and other material placed before me against applicant nos.3

and 4. Keeping that in view, in my opinion, applicant nos.3 and 4 namely Dadlya @ Sanjay Jhinga @ Sandipan Pawar and Machhindra Chhanna Shinde respectively are entitled for bail on parity. Hence, I pass the following order:

. Applicant nos.3 and 4 are directed to be enlarged on bail on their furnishing a personal bond of Rs.15,000/- each with one or two local sureties of the like amount to the satisfaction of the trial court, subject to the condition that they shall attend the concerned police station on 2nd and 4th Saturday of every month and twice a week i.e. on Monday and Thursday at Kalam police station, Osmanabad between 10 am and 12 noon until the conclusion of their trial.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The Sessions Court shall decide the case uninfluenced by the observations made in this order.

. The application is disposed of.

(D.B.Bhosale, J.)